

GENERAL HISTORY OF AFRICA · X

Africa and Its Diasporas

EDITOR VANICLEIA SILVA SANTOS



UNESCO International Committee for the New Volumes of The General History of Africa

GENERAL HISTORY OF AFRICA • X

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Africa and Its Diasporas

EDITOR: VANICLÉIA SILVA SANTOS

UNESCO

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CHAPTER 21

COMPARATIVE PERSPECTIVES ON THE ABOLITION OF SLAVERY IN THE AMERICAS AND AFRICA

Ana Lucia Araújo

Introduction

Starting in the eighteenth century and throughout the nineteenth century, legislation banned the slave trade from Africa, and then gradually abolished slavery in the Americas. Through insurrections and massive flights, enslaved men and women, as well as black abolitionists who joined anti-slavery organizations, were protagonists in the movement for the legal abolition and ending of slavery in the Americas and Africa. By the end of the nineteenth century, European powers largely utilized the end of the Atlantic slave trade and the consequent abolition of slavery in the Americas to justify the scramble for Africa that divided the continent among European powers. As European colonization evolved, slavery was banned in various parts of Africa; and yet in some parts of the continent, colonial powers introduced slavery-like labour regimes, which included not only forced labour for long hours under strict surveillance, but also physical punishments.

Gradual abolition in North America

The abolition of the slave trade from Africa was the first of the many steps that led to emancipation in the Americas. The first measures to prohibit imports of enslaved Africans to the thirteen British colonies in North America were

introduced in the first half of the eighteenth century and were motivated by the fear of slave insurrections led by newly arrived enslaved Africans.

In 1776, the independence of the British Thirteen Colonies that became the United States broke ground for the gradual abolition of slavery in the United States. Led by Creole elites, independence movements were not devised, either in the United States or in other parts of the Americas, to emancipate the enslaved population, especially in the regions where the institution of slavery was central to the economy. Even in the areas where bondage was not dominant, slave owners opposed the emancipation, leaving the enslaved population to face the long path of gradual abolition.

The American Revolutionary War fuelled anti-slavery discourses and the early abolitionist movement. Enslaved men and women actively participated in this process by petitioning their masters to obtain freedom and in some cases rewards for past services (Sinha, 2016, pp. 41–44; Araújo, 2017, pp. 49–51). After the end of the war and with the rise of the French Revolution in 1789, anti-slavery activity spread in Europe and the United States. This new context opened the path for the passage of gradual emancipation legislation.

During the 1770s, several US northern states ratified legislation freeing newborns to enslaved mothers. Yet the eighteenth-century emancipation legislation did not liberate any living slaves, but only the future offspring of bondswomen, in most cases only when they reached adult age. In March 1784, Rhode Island adopted an act that launched gradual emancipation. The children of enslaved women were to be freed: males upon reaching the age of 21 years, and females upon reaching the age of 18. Also in March 1784, Connecticut finally passed an act freeing the children of enslaved mothers born after the date of its passage and upon reaching 25 years of age. Eventually, an additional act passed in May 1797 reduced the age to 21 (Araújo, 2017, p. 51).

In the northern states with large numbers of enslaved individuals, gradual abolition took even longer to be accomplished. New York passed legislation freeing the children born after the enactment of the law on 4 July 1799. Still, it determined that freed male children had to serve the owners of their mothers until 28 years old, and freed female children until 25 years of age (Berlin, 1998, p. 234; Gellman, 2008, p. 153; Harris, 2003, p. 11; Araújo, 2017, p. 51). In 1804, New Jersey finally enacted legislation freeing newborns to enslaved mothers. However, the act liberated only the children of enslaved mothers born after 4 July 1804, and established age restrictions: 25 years old for males and 21 years old for females (Gigantino, 2015, p. 117).

Radical ruptures: the birth of a Black nation

As gradual abolition progressed in the north of the United States, the climate of social unrest continued in continental France and its colonies in the West Indies. On the eve of the French Revolution, an organized abolitionist movement emerged in continental France with the creation of the *Société des Amis des Noirs*. In 1788, when the Estates General was called in France, the newly created society seized the opportunity to intensify anti-slavery propaganda. But as the French Revolution evolved it became clear that the establishment of equality of rights excluded the populations of colour and was not intended to end slavery in the colonies, because the institution generated immense profits for France. Even after the fall of the Bastille in July 1789, the National Assembly granted only white planters the right to vote for the permanent assembly in Saint-Domingue's elections of 1790. White planters and French revolutionaries refused to award political rights to the free population of colour.

Eventually, Saint-Domingue's populations of colour initiated an anti-colonial rebellion. In 1791, a decree by France's National Assembly finally gave voting rights to free coloureds who owned property and were born of two free parents. Affected by the news of rapid changes brought by the French Revolution, Saint-Domingue's enslaved population took the opportunity to join the struggle for freedom as well. Although the populations of colour were ready to fight the enslaved rebels, as their demands for political rights from the French National Assembly were denied, they decided to take arms against the white planters, taking the enslaved rebels as their allies (James, 1963, p. 89).

In 1791, a great slave revolt broke out in Saint-Domingue, which eventually led to the decree of 1794 that abolished slavery in the French West Indies and the Indian Ocean. In 1801, Toussaint Louverture, one of the major leaders of the insurrection, called a Constituent Assembly. The new constitution, promulgated in July 1801, established that the entire island of Hispaniola, including the Spanish portion, was part of the French empire. It also confirmed the prohibition of slavery in Saint-Domingue.

This was an important victory, but when Napoleon Bonaparte came to power in 1799, he rejected Saint-Domingue's autonomy. In February 1802, he sent an expedition of 22,000 soldiers to Saint-Domingue to fight Louverture. In May 1802, Bonaparte issued a decree re-establishing slavery in the French colonies. Louverture was imprisoned and deported to France, where he died one year later. But the rebels continued fighting. As thousands of soldiers of Bonaparte's

army succumbed to the epidemics of yellow fever, the insurgent bondspople eventually defeated the French troops.

On 1 January 1804, Jean-Jacques Dessalines declared Saint-Domingue an independent nation. Saint-Domingue became the first colony in the Americas to abolish slavery altogether while simultaneously breaking its colonial ties with a European power. The new nation was renamed Haiti, and Dessalines was appointed lifetime governor-general. The new black nation became the symbol of freedom for the populations of African descent in the Atlantic world, and a reminder of the cruelties of slavery. For white planters and slave owners in Europe and the Americas, the simple existence of Haiti was a constant reminder that a nightmare could become reality.

In the following years, the process to prohibit the Atlantic slave trade continued to evolve. In 1807, Napoleon Bonaparte crossed Spain to invade Portugal. In that same year the British Parliament abolished the international slave trade to the British colonies. Also in 1807, following the mandate of the Constitution of 1787, the United States Congress passed an act (made effective in 1808) prohibiting the international slave trade to its territory. Moreover, in 1808, the French and Spanish alliance was dismantled. To resist French occupation, a series of *juntas* (councils) were created all over Spain, and eventually led to the establishment of the Cortes of Cádiz in 1810. Spain's first national assembly with representatives from its various colonies, the Cortes of Cádiz started discussing the abolition of the slave trade and slavery in the Spanish empire. Between 1814 and 1820, the end of the Napoleonic Wars led to the legal ban on the slave trade in France, Portugal, and Spain, even though the illegal trade persisted for several years (Quirk, 2011, p. 61).

Slavery expansion during the period of legal abolition of slavery

The abolition of the British slave trade was the first response to a powerful social movement gathering thousands of people who, for moral and religious reasons, condemned the persistence of the evil institution even though it still generated significant profits. In the first two decades of the nineteenth century, the movement to abolish slavery in the British West Indies grew as well, owing firstly to the emergence of slave rebellions in Barbados, Guyana, and Jamaica, and secondly to the activities of the Anti-Slavery Society that gathered hundreds

of thousands of signatures demanding an end to slavery, better conditions for the enslaved populations, and gradual emancipation.

After intense debates in the months that followed, the Slavery Abolition Act of 28 August 1833 declared the end of slavery in the British colonies starting on 1 August 1834. The Act formally freed nearly 800,000 enslaved persons. But except for Antigua, in all other British colonies of the West Indies bondsperson older than six were submitted to a period of apprenticeship: four years if they worked as domestic servants and six years if they were agricultural workers (Lightfoot, 2015). Moreover, the Abolition Act included a provision to compensate 46,000 slave owners with £20 million. Intended to control the former enslaved population, the apprenticeship system maintained intact most elements of the old relations between master and bondsperson (Drescher, 2009, p. 212).

By the time slavery was outlawed in the British empire, the industries of tobacco, rice, and cotton had quickly expanded in the south of the United States, where slavery was central to the economy. The process of legal abolition of slavery remained gradual, varying from state to state: New York abolished slavery in 1827, Rhode Island in 1842, Pennsylvania in 1847, and Connecticut only in 1848. Although New Jersey legally abolished slavery in 1846, newly freed slaves became apprentices for life. Consequently, they only obtained free status when slavery was eventually abolished in the United States two decades later (Gigantino, 2015, pp. 214–215).

By 1850, the division between free states and slave states became clear: slaveholding states were willing to fight to keep slavery alive. When Lincoln was elected president of the United States in November 1860, the abolitionist movement had been established in the country for almost a century. Additionally, the number of states where slavery had been abolished exceeded the number of slave states. Still, during the presidential election campaign, southerners stepped up the call for secession because despite Lincoln's moderate positions regarding slavery, he was not a representative of the southern planters and slave owners.

In December 1860, the South Carolina General Assembly issued a proclamation announcing its secession from the United States, an action it justified by the growing hostility on the part of the free states to the institution of slavery. During the four months following South Carolina's secession, Georgia, Florida, Alabama, Mississippi, Texas, and Louisiana announced their separation from the Union, forming the Confederate States of America. Although Lincoln sought to appease the southerners by promising not to interfere in the states where slavery existed, the country was too divided to be soothed. Five weeks after his inauguration, the Civil War exploded. In the three months that

followed this event, Virginia, Arkansas, North Carolina, and Tennessee joined the Confederacy, which later elected Jefferson Davis as its president.

As the Civil War progressed, many enslaved people ran away, whereas others were freed by the federal government to fight alongside the Union Army (Berlin, 2015, p. 15). On 17 July 1862, the Congress of the United States passed a second Confiscation Act emancipating all enslaved individuals owned by Confederates. This measure opened the path for the Emancipation Proclamation of the Confederate States of the South issued by Lincoln on 22 September 1862 (effective on 1 January 1863). The Proclamation was part of a strategy to fight the Confederate States and gain the support of freed slaves who would be able to join the Union Army. The proclamation freed more than three million enslaved men, women, and children, favouring the enlistment of black soldiers in the Union Army (Foner, 2014, p. 7). Eventually, after four years of bloody civil war, slavery was abolished in the United States through the Thirteenth Amendment to the Constitution of December 1865. The abolition of slavery that followed the end of the Civil War in the United States was exceptional to some extent because it freed a much larger number of enslaved men, women, and children (approximately 4 million) than previous emancipations. Also, except for those in Washington DC, slave owners were not paid indemnities (Araújo, 2017, p. 64).

Abolitions in Latin America

The early rebellion that gave birth to the Mexican War of Independence in 1810 was a popular movement. Its leaders called attention to the problem of racial and social inequalities that separated white Creole elites from the great majority of the poor colonial population of colour (Andrews, 2004, p. 87). Two years after Mexico's independence, on 26 September 1823, the Constituent Assembly passed a decree that prohibited the transatlantic slave trade to Mexico. Even though the Mexican Constitution of 1824 did not address the issue of slavery, constitutions of various Mexican states, enacted between 1824 and 1827, either abolished slavery or determined that newborns should be manumitted (Legaspi, 2013, pp. 22–26). Eventually, President Vicente Guerrero issued a decree on 15 September 1829 ending slavery in Mexico. Still, slavery continued to be the object of decrees, and it was included in the articles of the next two Constitutions of Mexico, suggesting that it remained a crucial problem until the eve of the Mexican Revolution (Baumgartner, 2015).

Between 1811 and 1842, the Atlantic slave trade to the various former Spanish colonies in Central America and South America was legally abolished. Yet from 1843 to 1847 it reopened in Peru, and in Argentina and Uruguay between the 1820s and the early 1830s (Borucki, 2015, pp. 50–51). Except for the Dominican Republic, which abolished both the slave trade and slavery in 1822, all the other former Spanish colonies adopted gradual abolition by first enacting free womb legislation and only later abolishing slavery. Chile and the Río de la Plata respectively enacted free womb laws on 15 October 1811 and on 31 January 1813 (Feliú, 1973, pp. 39–40; Andrews, 1989, p. 59; Edwards, 2020, p. 4). The regions of present-day Ecuador, Colombia, Peru, and Venezuela passed free womb legislation in 1821, Uruguay in 1825, and Bolivia and Paraguay in 1831 and 1842 respectively.

The actual demise of slavery was a lengthy process in South America. Chile was the first country in South America to legally abolish slavery. But a few days after the first decree of 24 July 1823, another decree established a series of restrictions to awarding the legal free status to the former enslaved men and women. Eventually the Chilean Constitution enacted on 29 December 1823 permanently abolished slavery. On 12 December 1842, during the Uruguayan Civil War, Uruguay enacted a law abolishing slavery. But a system of apprenticeship was established for women and children and then reversed only with the end of the war in 1853 (Borucki, 2015, p. 136).

During the next two decades, except for Brazil, Puerto Rico, and Cuba, slavery was abolished all over the Americas. In 1847, Sweden ended slavery in its American colony, Saint Barthélemy. In 1848, slavery was banned in the Danish West Indies, in Martinique, Guadeloupe, and French Guiana (Jennings, 2000). The regions of present-day Ecuador, Colombia, and Panama passed legislation prohibiting slavery in 1851 (effective 1 January 1852), most of Argentina in 1853, Peru and Venezuela in 1854, Bolivia in 1861, and Paraguay in 1869 (McGraw, 2014, pp. 28–29; Andrews, 1989, p. 57).

Brazil and the Spanish West Indies

The end of the slave trade and the gradual abolition of slavery occurred later in Brazil (Alonso, 2015, p. 109). Since 1808, when the Portuguese royal family moved to Rio de Janeiro to escape Napoleon Bonaparte's invasion and opened the Brazilian market to the importation of British manufactured goods, Britain had increasingly pressured Portugal to end the slave trade to Brazil.

British pressure continued after Brazilian independence in 1822. Eventually, on 7 November 1831, the Brazilian Congress passed the Feijó Law prohibiting imports of enslaved Africans to Brazil. The Law of 1831 created a new category of “liberated Africans”. Once their status was confirmed, these Africans were employed by the Brazilian State to perform public works, or by private individuals for whom they were to work as servants or free workers for a period of 14 years (Mamigonian, 2017). But despite this legislation, the illegal slave trade to Brazil continued until 1850, when the Eusébio de Queirós Law (Law No. 581) outlawed slave imports to Brazil for a second time.

Despite legal prohibitions, the slave trade from Africa to Cuba continued. Whereas in Spain the debates about gradual emancipation intensified after the deposition of Queen Isabella II in 1868, in Cuba the colonists from the eastern part of the island embraced the idea of independence in an uprising that gave origin to the Ten Years’ War (1868–1878) (Cowling, 2013, p. 39). Slave rebels and free coloureds, who were also the subject of discrimination under colonial policies, joined forces with the elite groups to fight for the abolition of slavery and for independence from Spain (Ferrer, 1999, p. 27). Spanish elites feared the movements for independence, and on 4 July 1870, the Spanish Parliament passed the Moret Law. Similar to free womb legislation in other regions of Latin America, the Law also included numerous restrictions (Araújo, 2017, pp. 72–73).

In the decade after the passage of the Moret Law, the number of enslaved people in Cuba decreased from nearly 300,000 to 200,000. Still, few of the emancipated slaves were individuals of working age (Scott, 2000, p. 73). On 28 September 1871, the Brazilian Congress passed the Rio Branco Law (Law No. 20140) freeing enslaved newborns. Yet the new law imposed several restrictions (Araújo, 2017, pp. 74–75). Moreover, in the province of São Paulo, slave owners who freed 158,093 slaves as a result of the Law of 1871 obtained approximately 414 *contos* and 882 *mil-réis* in financial compensation (Butler, 2000, p. 28). Meanwhile, following popular demonstrations in several Spanish cities, on 22 March 1873 the Spanish Parliament passed a law ending slavery in Puerto Rico, which freed around 29,335 enslaved individuals (Schmidt-Nowara, 1999, p. 153; Figueiroa 2005, p. 126). Yet, as in the British West Indies, the law established that newly freed slaves would have to work under three-year labour contracts with their former masters.

Cuba maintained slavery for seven more years. Eventually, on 13 February 1880, the Patronato Law was passed by the Spanish Parliament. In theory, the new Law abolished slavery and established an eight-year period of apprenticeship. The *patronato* eventually ended on 7 October 1886, two years prior to the established

date of 1888. As many *patrocinados* obtained their freedom in the five years that followed the creation of *patronato*, at the final demise of this system, Cuban registers included approximately 99,566 *patrocinados* (Scott, 2000, p. 140).

In Brazil, the Sexagenarian Law (1885) emancipated enslaved individuals older than 60 years (Soares, 2007, p. 299; Cowling, 2013, p. 42). The growth of the abolitionist movement and the ineffectiveness of the two emancipationist laws were evident. But since the 1870s, and especially during the 1880s, bondspople had organized massive manumission campaigns as well as massive flights in urban and rural areas (Gomes, 2004, p. 742; Castilho, 2016, p. 88). Slave insurgency, along with widespread demands to end slavery, contributed to deepening the crisis of the Brazilian slave system (Machado, 1994, pp. 76, 82). Fearing revolts, masters freed thousands of enslaved men, women, and children, whereas hundreds ran away in the coffee zones of Brazil's southeast. Still, slaveholders counted on their representatives in the Chamber of Deputies to obtain financial compensation, or at least some kind of measure allowing them to maintain the relations of dominance with the future freed population (Albuquerque, 2009, p. 105). On 13 May 1888, Princess Isabel, the regent, finally signed the Golden Law, which emancipated nearly 700,000 enslaved men and women (Costa, 2008, p. 10).

Abolition of slavery in Africa

Trade relations developed during the era of the Atlantic slave trade had opened the path for the European conquest of Africa. At the end of the nineteenth century, Britain, France, Portugal and other European States gradually imposed their presence on the African continent, fuelling a process that was defined as the scramble for Africa. The new rule led to the gradual legal prohibition of slavery on African soil. However, emancipation was a lengthy and complex process that varied over time and from region to region. Slavery existed on African soil prior to the contact between Africa and Europe. Likewise, the Muslim slave trade (mainly to North Africa and the Middle East) and the African internal slave trade, which provided captives to the continent's internal market, emerged before the Atlantic slave trade and persisted throughout the nineteenth and the twentieth centuries.

Although slavery in Africa differed from the racialized chattel slavery that prevailed on the American continent, the development of the transatlantic slave trade had affected the nature of slavery in Africa (Lovejoy, 2012). The end of

the Atlantic slave trade during the second half of the nineteenth century led many African societies to develop an export-oriented agricultural economy that largely relied on slavery as a mode of production (Manning, 1990, p. 106). Yet, in regions like West Central Africa, slavery continued expanding during the entire nineteenth century (Candido, 2020, pp. 70–71).

Measures to legally prohibit the slave trade and slavery on African soil were used to justify European conquest and colonization. Starting in the second half of the nineteenth century, Britain signed several treaties with African States, including Egypt, Zanzibar, and Madagascar, to legally ban the slave trade (Quirk, 2014, p. 73). Despite these agreements, during this first phase, Britain tolerated the existence of what many British officials defined as ‘domestic’ slavery, perceived as a more benign and acceptable kind of bondage (Quirk, 2014, p. 95). In regions controlled by the Portuguese, such as Angola, slavery was abolished in 1869. Yet in the three years that followed, Portugal imposed an apprenticeship system on former slaves. Slavery remained alive in Angola far beyond the date of its legal abolition (Schenck and Candido, 2015, p. 218; Candido, 2020, p. 71).

Whereas local rulers, slave traders, and slave owners met the prohibition of slavery with resistance, enslaved men and women took these opportunities to assert their freedom by running away from their masters, returning to their former villages, and creating new communities, very often far from their region of origin (Lovejoy, 2012, p. 253; Klein, 1998, p. 159; Rodet, 2015). As was the case in the Americas, enslaved people themselves were central protagonists of emancipation (Lovejoy, 2012, p. 261).

The consolidation of colonial rule at the turn of the twentieth century offered a more favourable context to the legal end of slavery in Africa. In 1900, Britain legally abolished slavery in its occupied zones in Nigeria. In 1905, France legally prohibited slavery in its West African colonies (Rodet, 2005, p. 363). But despite legal abolition, slavery persisted on the ground. Moreover, European colonial rules in zones controlled by France, Portugal and Belgium imposed on Indigenous populations slavery-like coercive labour regimes. Still today, residents of Angola remember the *contratado* system of forced labour imposed by the Portuguese, which existed until 1962, as slavery-like working conditions (Schenck and Candido, 2015, p. 216). In most African regions, slavery had disappeared by the time of the Second World War. Although illegal, depending on the period and region, slave labour resurfaced several times. An iconic example is Mauritania, where although slavery was first legally banned

during the French colonial rule in 1905, a law abolishing slavery in the country was enacted in as late as 1980 (Drescher, 2009, p. 454).

Limits of emancipation

The abolition of the slave trade and slavery in the Americas and Africa was a long and complex social and economic process. The legal end of the Atlantic slave trade and slavery was possible through the actions of enslaved men and women who challenged their legal status by organizing rebellions and massive flights, and who, along with other social actors, led campaigns for the passage of anti-slavery legislation. Beyond the legal prohibition of slavery, both in the Americas and Africa bondspeople were protagonists in their emancipation. Still, in most regions of the Americas and to some extent in some regions of Africa, former slave owners obtained financial compensation to cover the loss of their enslaved property, whereas former enslaved persons never obtained financial or material reparations for slavery. In the period that followed the abolition of slavery in the Americas, freed people continued facing economic and social exclusion. Likewise, during European colonial rule in Africa, formerly enslaved persons were submitted to inhumane forms of labour exploitation that very often were associated with slavery. Today, despite the illegality of slavery, working conditions analogous to slave labour remain a reality in the Americas and Africa.

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